

HOUSE JOINT RESOLUTION 63
By McKee

A RESOLUTION to urge Judge John T. Nixon, U.S. District Court for the Middle District of Tennessee, to recuse himself from hearing death penalty appeals.

WHEREAS, in 1976, the United States Supreme Court ruled to allow the several states to impose the death penalty as punishment for certain crimes; and

WHEREAS, Tennessee has had a constitutional death penalty statute since 1977; and

WHEREAS, during the last twenty years, Tennessee has not carried out a single death penalty sentence, in part because of lengthy habeas corpus proceedings by death row inmates and the inaction of the federal court system; and

WHEREAS, most recently, the Honorable John T. Nixon, U.S. District Court Judge for the Middle District of Tennessee, has overturned the capital convictions of four (4) of Tennessee's most heinous convicted killers on grounds that could only charitably be described as technical; and

WHEREAS, in overturning these four (4) convictions, Judge Nixon has continued a pattern of judicial conduct that clearly evidences his bias against capital punishment; and

WHEREAS, during his tenure on the U.S. District Court for the Middle District of Tennessee, Judge Nixon has continually delayed ruling on capital cases before his court; and

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WHEREAS, he has also repeatedly reversed the convictions and/or sentences of capital cases, many of which were tried and adjudicated years ago, thus making it extremely difficult, if not impossible, for such cases to be retried; and

WHEREAS, the Sixth U.S. Circuit Court of Appeals has officially criticized these “excessive delays” in Judge Nixon’s court, finding “no acceptable reason” for two (2) particular capital cases having languished in his court; and

WHEREAS, while it is perfectly acceptable for any citizen to be opposed to capital punishment on moral grounds, as a federal judge, Judge Nixon has the sworn duty of upholding the law of the land, which permits states to impose the death penalty; and

WHEREAS, if Judge Nixon is unable to fulfill the oath and obligations of his office because of moral objections to capital punishment, he should recuse himself from hearing federal appeals from state convictions where the sentence of death has been imposed; and

WHEREAS, Judge Nixon’s excessive delays in ruling on capital cases before his court and his repeated reversals of death penalty convictions and sentences on nebulous grounds lead this General Assembly to state that justice delayed is justice denied; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE-HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That this General Assembly hereby most fervently urges and encourages the Honorable John T. Nixon, U.S. District Court for the Middle District of Tennessee, to recuse himself from hearing federal appeals from state convictions where the penalty of death has been imposed.

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives is directed to transmit a certified copy of this resolution to Judge John T. Nixon.